



# Erosion and Sediment Control Responsibilities

# What's the big deal?

- Under the Clean Water Act, the Environmental Protection Agency (EPA) has mandated that the City of Lincoln, as well as many other municipalities in the US, must have a program in place to control sediment from construction site activity.
- The following is a brief overview of Lincoln's erosion and sediment control program.

# Erosion and Sediment Control

Not just a good idea, it's the Law!

1 acre or greater in size? MUST have Notice of Intent (NOI) i.e. an erosion and sediment control plan

Maintenance & inspection logs required

MUST address all phases of construction on the site i.e. initial grading, temporary seeding, utility installation, final grading, paving, and permanent seeding

# Responsible Party

If you're the Owner/Responsible Party, it is ultimately your responsibility to make sure that sediment is kept off adjacent property, streets, and out of the storm drain system. This includes mud tracking from contractors, delivery trucks, concrete trucks, utility vehicles, etc...



If you signed the Notice of Intent, you are the responsible party!

# Sediment & Erosion Control potential problems areas

The problem:

Sedimentation to adjacent property and waterways

Recognizing the problem:

Where is sediment going to leave your site.

Where to look:

Start from the lowest point on the site and work your way up.



# Be aware of potential Erosion & Sediment Control problems





# What to look for...

Measures that need to be maintained or improved!

JUL 28 2005

# Site Inspections

Your sites is being watched by the general public, other site operators and regulating authorities.

EPA inspectors visited sites in Omaha in 2004

EPA has informed us that they will inspect on Lincoln sites





# Expedited Settlement Offer Worksheet

## Findings and Alleged Violations

Consult instructions regarding eligibility criteria  
and procedures prior to use  
Version: NER100000



1 Legal Name and Mailing Address of Operator

Telephone Number

NPDES Permit Number

2 Location and Address of Site

Name of Site Contact (ESO Worksheet recipient):

Name of Authorized Official (40 CFR 122.22)

Inspection Date:

Start Construction Date:

Estimated Completion Construction Date:

If Unpermitted, Number of Months Unpermitted:

Name of Receiving Water Body (Indicate whether 303(d) listed):

Acres Disturbed (whole common plan):

Is Site Eligible for Rainfall Erosivity or TMDL Waiver per

40 CFR 122.26(b)(15)?

Nebraska Citation Reference*	National Permit Citation Reference**	No. of Violations	Violation Amount	Settlement Offer
3 Operator(s) in control of site specifications unpermitted for _____ months (# of months = # of violations)	CNR 119-2	CWA 301	<input type="text"/>	\$500.00
4 Operator(s) in control of day-to-day activities unpermitted for _____ months (# of months = # of violations)	CNR 119-2	CWA 301	<input type="text"/>	\$500.00
5 SWPPP not prepared (If no SWPPP, leave elements 6 - 31 blank)	NEGP D(1)(a)	CGP 3.1.A	<input type="text"/>	\$4,000.00
6 SWPPP prepared but prepared after construction start (# of months = # of violations)	NEGP D(1)(b)	CGP 3.1.A	<input type="text"/>	\$75.00
7 SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...	N/A	CGP 3.1.B	<input type="text"/>	\$250.00
8 SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control	NEGP NOI	CGP 3.3.A	<input type="text"/>	\$500.00
9 SWPPP does not have site description, as follows:				
A Nature of activity in description	NEGP D(2)(b)	CGP 3.3.B.1	<input type="text"/>	\$100.00
B Intended sequence of major activities	NEGP D(2)(b)	CGP 3.3.B.2	<input type="text"/>	\$100.00
C Total disturbed acreage	NEGP NOI	CGP 3.3.B.3	<input type="text"/>	\$100.00
D General location map	N/A	CGP 3.3.B.4	<input type="text"/>	\$100.00
E Site map	NEGP D(2)(a)	CGP 3.3.C	<input type="text"/>	\$500.00
F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 9F as 1 violation)	NEGP D(2)(a)	CGP 3.3.C.1-8	<input type="text"/>	\$50.00
G Location/description industrial activities, like concrete or asphalt batch plants	N/A	CGP 3.3.D	<input type="text"/>	\$500.00
10 SWPPP does not:				
A Describe all pollution control measures (e.g. BMPs)	NEGP D(3)	CGP 3.4.A	<input type="text"/>	\$750.00
B Describe sequence for implementation	NEGP D(2)(b)	CGP 3.4.A	<input type="text"/>	\$250.00

C. Detail operator(s) responsible for implementation	NEGP NOI	CGP 3.4.A	<input type="checkbox"/>	\$250.00
11 SWPPP does not describe interim stabilization practices	NEGP D(3)	CGP 3.4.B	<input type="checkbox"/>	\$250.00
12 SWPPP does not describe permanent stabilization practices	NEGP D(3)	CGP 3.4.B	<input type="checkbox"/>	\$250.00
13 SWPPP does not describe a schedule to implement stabilization practices	NEGP D(2)(b)	CGP 3.4.B	<input type="checkbox"/>	\$250.00
14 Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 14 as 1 violation)	N/A	CGP 3.4.C.1-3	<input type="checkbox"/>	\$250.00
15 SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas	NEGP D(3)	CGP 3.4.D	<input type="checkbox"/>	\$500.00
16 SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed	NEGP D(3)	CGP 3.4.E	<input type="checkbox"/>	\$500.00
17 SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit	NEGP D(3)	CGP 3.4.F	<input type="checkbox"/>	\$500.00
18 SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust	NEGP D(2)(f)	CGP 3.4.G	<input type="checkbox"/>	\$500.00
19 SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials	NEGP D(2)(e)	CGP 3.4.H	<input type="checkbox"/>	\$250.00
20 SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials	NEGP D(2)(d)	CGP 3.4.I	<input type="checkbox"/>	\$500.00
21 SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP	N/A	CGP 3.5	<input type="checkbox"/>	\$500.00
22 SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges	NEGP D&F	CGP 3.5	<input type="checkbox"/>	\$500.00
23 Endangered Species Act documentation is not in SWPPP	N/A	CGP 3.7	<input type="checkbox"/>	\$500.00
24 Historic Properties (Reserved)	N/A	CGP 1.3.C.7	<input type="checkbox"/>	\$500.00
25 Copy of permit and/or NOI not in SWPPP (count each omission under 25 as 1 violation)	N/A	CGP 3.8	<input type="checkbox"/>	\$250.00
26 SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)	NEGP D(4)	CGP 3.9	<input type="checkbox"/>	\$750.00
27 SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans	NEGP D(1)(e)	CGP 3.9	<input type="checkbox"/>	\$250.00
28 Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates	NEGP D(5)	CGP 3.10.G	<input type="checkbox"/>	\$500.00
29 SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under 29 as 1 violation)	NEGP D(1)(e)	CGP 3.11.C	<input type="checkbox"/>	\$50.00
30 Copy of SWPPP not retained on site	NEGP D(1)(c)	CGP 3.12.A	<input type="checkbox"/>	\$500.00
A. SWPPP not made available upon request	NEGP D(1)(d)	CGP 3.12.C	<input type="checkbox"/>	\$500.00
31 SWPPP not signed/certified	N/A	CGP 3.12.D	<input type="checkbox"/>	\$500.00
32 Inspections not performed either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas)	NEGP D(5)	CGP 3.10.A,B	<input type="checkbox"/>	\$75.00
33 Inspections not conducted by qualified personnel	N/A	CGP 3.10.D	<input type="checkbox"/>	\$500.00
34 All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected	NEGP D(5)	CGP 3.10.E	<input type="checkbox"/>	\$50.00
35 All pollution control measures not inspected to ensure proper operation	NEGP D(5)	CGP 3.10.E	<input type="checkbox"/>	\$500.00
36 Discharge locations are not observed and inspected	NEGP D(5)	CGP 3.10.E	<input type="checkbox"/>	\$50.00
37 For discharge locations that are not accessible, nearby locations are not inspected	NEGP D(5)	CGP 3.10.E	<input type="checkbox"/>	\$50.00
38 Entrance/exit not inspected for off-site tracking	NEGP D(5)	CGP 3.10.E	<input type="checkbox"/>	\$500.00
39 Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant	NEGP D(5)	CGP 3.10.G	<input type="checkbox"/>	\$50.00



discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 39 as 1 violation)				
40 Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)	N/A	CGP 3.10.G	<input type="checkbox"/>	\$50.00
41 Sign/notice not posted	N/A	CGP 3.12.B	<input type="checkbox"/>	\$250.00
A Does not contain copy of complete NOI	N/A	CGP 3.12.B	<input type="checkbox"/>	\$50.00
B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign	N/A	CGP 3.12.B	<input type="checkbox"/>	\$50.00
42 No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water	NEGP D(3)	CGP 3.13.F	<input type="checkbox"/>	\$500.00
43 Control measures are not properly:				
A Selected	NEGP D(3)	CGP 3.13.A	<input type="checkbox"/>	\$500.00
B Installed	NEGP D(3)	CGP 3.13.A	<input type="checkbox"/>	\$500.00
C Maintained	NEGP D(5)	CGP 3.13.A	<input type="checkbox"/>	\$500.00
1. Maintenance not performed prior to next anticipated storm event (count each failure of operator to properly select, install, or maintain each BMP as 1 violation)	NEGP D(5)	CGP 3.6.B	<input type="checkbox"/>	\$250.00
44 When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts	N/A	CGP 3.13.B	<input type="checkbox"/>	\$500.00
45 Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)	NEGP D(2)(e)	CGP 3.13.C	<input type="checkbox"/>	\$500.00
46 Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation	NEGP D(3)(c)	CGP 3.13.D	<input type="checkbox"/>	\$500.00
*Exceptions:				
(a) Snow or frozen ground conditions	N/A	CGP 3.13.D.1		
(b) Activities will be resumed within 14 days	N/A	CGP 3.13.D.2		
(c) Arid or Semi-arid areas (<20 inches per year)	N/A	CGP 3.13.D.3		
47 Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained	NEGP D(3)(e)	CGP 3.13.E.1	<input type="checkbox"/>	\$1,000.00
A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries	NEGP D(3)(e)	CGP 3.13.E.2	<input type="checkbox"/>	\$1,000.00
B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more	NEGP D(5)	CGP 3.6.C	<input type="checkbox"/>	\$500.00
48 Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 47 above)	NEGP D(3)(a)	CGP 3.13.E.3	<input type="checkbox"/>	\$500.00
A Sediment not removed from sediment trap when design capacity reduced by 50% or more	NEGP D(5)	CGP 3.6.C	<input type="checkbox"/>	\$500.00

Total Expedited Settlement: **\$6,000**

\*Nebraska General Permit NER100000, issued by NDEQ on July 9, 1997, extended on August 1, 2002; Code of Nebraska Rules

\*\* NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

# Onsite Plans & Inspections Records

A set of updated plans and inspection records  
**MUST** be on your site at all times.

OCT 4 2005

# Onsite Inspections Records

Inspections **MUST** be done monthly or after each ½ inch rain event and be available upon request.

Maintenance of the measures is required to be documented in the inspection records.





# Some Best Management Practices (BMP's) that are available



JUL 8 2004

# Silt Fence on small sites



FEB 25 2005

# Construction Entrance



MAY 16 2005



# Inlet Protection



# Concrete truck washout areas





# Slope protection



OCT 1 2004

# Temporary Seeding



APR 5 2005

# Compost Sock



FEB 6 2006

# More options!

Local vendors can supply additional information on available products, or contact City or NRD staff for assistance:

Gary Lacy – Public Works and Utilities - Watershed Management,  
441-4957 or 430-9716

J.B. Dixon – Lower Platte South NRD, 476-2729